

IN THE UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF FLORIDA
Jacksonville Division

IN RE:)
)
John McElwee Miller) CASE No. 3:11-bk-3175
Krista Ferner Miller) (Chapter 7)
Debtors)
_____)

ORDER GRANTING MOTION TO DETERMINE
SECURED STATUS/STRIP UNSECURED LIEN – CLAIM NO. 11

This cause came before the Court on the Motion of Debtors for an order valuing the secured claim (No.11) of SunTrust Bank (Claimant), determining the claim to be unsecured, and removing the mortgage lien from their homestead, located at 115 Oceanfront Street South, Jacksonville Beach, Florida (Property), and more particularly described as follows:

ALL THAT CERTAIN PARCEL OF LAND LYING AND BEING SITUATED IN THE COUNTY OF DUVAL, STATE OF FLORIDA, TO WIT: THE EAST 68 FEET OF THE SOUTH 1/2 OF LOT 2, BLOCK 11. PABLO BEACH SOUTH, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 28, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, TOGETHER WITH THE LAND ABUTTING THE SAID SOUTH 1/2 OF LOT 2, ON THE EAST AND LYING BETWEEN THE EAST LINE OF THE SAID SOUTH 1/2 OF LOT 2 AND THE OFFICIAL BULKHEAD AS NOW ESTABLISHED AND THE NORTH AND SOUTH LINES OF THE SAID SOUTH 1/2 OF LOT 2, IF EXTENDED EASTERLY TO INTERSECT THE SAID BULKHEAD, TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS 8 FEET IN WIDTH ALONG THE NORTH LINE OF THE SOUTH 1/2 OF SAID LOT 2, FROM THE EAST LINE OF FIRST STREET TO THE WEST LINE OF THE SAID 88 FEET OF THE SOUTH 1/2 OF SAID LOT 2.

The Motion was served upon Claimant and the Trustee pursuant to Federal Rule of Bankruptcy Procedure 7004(a)(1),(5), with the Local Rule 2002-4 negative notice legend informing the parties of their opportunity to object within 30 days of the date of service. No party filed a response within the time permitted. The Court therefore considers the Motion to be unopposed. Accordingly, it is, ORDERED:

1. The Motion is GRANTED.
2. The mortgage on the Property held by Suntrust Bank recorded on March 13, 2007 in Duval County Public Records at book 13863, Page 692, shall be deemed void, and shall be

extinguished automatically, without further court order, upon the recordation in the public records of a certified copy of this Order together with (a) a certified copy of the Debtors' discharge order in this case or (b) such other paper as the Court may specify by separate order.

Done and ordered at Jacksonville, Florida on June 19, 2013.

Paul M. Glenn
Paul M. Glenn, United States Bankruptcy Judge

Attorney Wendell Finner is directed to serve a copy of this order on interested parties and file a proof of service within 3 days of entry of the order.

RECORDED IN THE US BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION
4.3. VOL. 54 NO. 7736